

REMARKS

Applicants submit this paper in response to the non-final Office Action dated February 4, 2009.

By way of this paper, claims 3-4 and 9-11 have been canceled, claims 1-2, and 5-8 have been amended, and claim 12 has been added as a new claim. Support for the amendments to claim 1 are found in original claims 3 and 4, as well as original claims 9, 10 and 11. Support for new claim 12 is found in the features of original claim 5.

No new matter has been added.

In light of the foregoing amendments to the claims and the following remarks, Applicants believe that the present application is in condition for allowance and respectfully request the Office to acknowledge the same.

REJECTIONS UNDER 35 U.S.C. §112

Claim 5 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which the Applicants regard as their invention.

Claim 5 has been amended to overcome the deficiencies identified in the Office Action.

Reconsideration and withdrawal of this indefiniteness rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102 & 103

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as being assertedly anticipated by Inoue et al. (5,868,638). Claim 7 stands rejected under 35 U.S.C. §103(a) as being obvious over Inoue et al., in view of Young (2003/0158008).

Independent claim 1, as amended, now includes the features of claims 3 and 4 as well as claims 10 and 11. That is, amended independent claim 1 now recites that the installation channel is formed as a circumferential surface, wherein the walls are formed by

the carrier-body, and the device having an additional component interacting with the internal combustion engine and extending through the installation channel of the tension or guide rail. More specifically, amended claim 1 is now directed to a “device for an internal combustion engine having a tension or guide rail for a flexible drive and an additional component interacting with the internal combustion engine.” This structure of amended claim 1 is substantially different from what is disclosed, taught, or suggested in the various cited references.

For example, with regard to Inoue et al., it is submitted that the Examiner’s interpretation of that reference is too broad for what it discloses, and in fact, is based on hindsight reasoning. That is, the first embodiment described in Inoue shows a channel formed and closed on its circumferential surface, wherein the walls of the installation channel are not only formed by the carrier body, but also by the tensioning shoe. Within this Inoue et al. embodiment, the groove provided by the carrier body and covered by the guide track is used as an oil reservoir supporting oil to the check valve of the tensioner.

Figures 5 to 7 of Inoue et al. describe a further embodiment providing only an open groove in the carrier body, so that the oil supply to the check valve has to be provided by an oil supply pipe (20). The Examiner’s attempted mixing of these two different Inoue et al., embodiments is obviously not within the normal behavior of a person skilled in the art. Rather, a person of ordinary skill provided with an oil supply pipe to be connected with the check valve, would not use an enclosed channel, because the additional effort in closing the channel with an additional lateral portion of the guide track has only been made to provide oil supply for the check valve.

Furthermore, the Inoue et al. reference actually lends support for the inventiveness of the present application, because Inoue et al. teaches that a person of ordinary skill would save the additional effort of providing an enclosed installation channel by replacing it with an oil supply pipe, which can be easily arranged in an open groove provided by the carrier body or even outside the groove to reduce the risk of leaking.

Thus, the Inoue et al. reference does not disclose, teach, or suggest each and every limitation recited in amended claim 1.

Turning to the Young reference (2003/0158008), it describes a chain guide having a support body with an L-form, wherein a guide shoe is clipped to the inner side of the outside extending blade using clips provided on the reverse of the guide shoe.

Then, although not cited against the pending claims, it is noted that Kawano et al. (6,669,590) discloses a further chain guide, wherein a reinforcing plate is located in a slot provided on the reverse of the resin guide body.

However, none of the references cited by the Examiner disclose, teach or suggest a device for an internal combustion engine having a tension or guide rail and an additional engine-related component, according to amended claim 1. Since the remaining claims are dependent upon amended claim 1, they also are not rendered obvious or otherwise anticipated by any of the cited references. Therefore, Applicants kindly request the Examiner to reconsider and withdraw the outstanding anticipation and obviousness rejections.

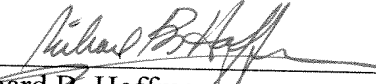
CONCLUSION

Applicants believe that each of the outstanding rejections, objections, and/or other concerns, if any, are accommodated, traversed, or rendered moot. Therefore, the application is in condition for allowance. Should there be any outstanding that the Office believes may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

The applicants believe no fee is due. However, the Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855.

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Respectfully submitted,

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